

REMARKS

Reconsideration and withdrawal of the requirement for species election are respectfully requested in view of the remarks herewith.

The Examiner required election of one of the following under 35 U.S.C. §121:

Species I: drawn to figures 1, 2a-b, 3a-d, 4a-b and 5a-b; and

Species II: drawn to figure 6, 7, 8 a-b, 9a-e, 10 and 11a-b.

Applicant elects Species I, drawn to figures 1, 2a-b, 3a-d, 4a-b and 5a-b, **with traverse**, in order to advance prosecution of this case. Applicant respectfully points out, however, that Figure 6 describes a hugger mounted ceiling fan housing securely engaged into the anchoring bracket, which properly belongs to Species I. The Examiner may have grouped Figure 6 into Species II apparently as an oversight. Applicant, therefore, requests that Figure 6 be rejoined with Species I.

Applicant traverses the election requirement because the requirement, respectfully, lacks merit. The MPEP lists two criteria for a proper Restriction Requirement. First, the invention must be independent or distinct (MPEP §803). Second, searching the additional invention must constitute an undue burden on the examiner if restriction is not required. *Id.* The MPEP directs the examiner to search and examine an entire application “[i]f the search and examination of an entire application can be made without serious burden, ...even though it includes claims to distinct or independent inventions.” *Id.*

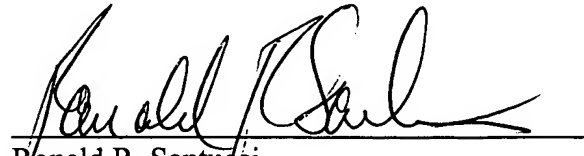
Neither of these criteria is present here. The claims of the instant application represent a web of knowledge and continuity of effort that merits examination in a single application. Further, it is unlikely that the Examiner would be unduly burdened by searching and examining both groups together. For example, a search and examination of either Species I or Species II would invariably result in overlapping subject matter. It would, therefore, be prudent for the Examiner to search and examine the subject matter of both Species I and Species II in a simultaneous manner, not only for purposes of efficiency and temporal economy, but also to conserve PTO resources. Consequently, it is believed that the requirement for election is improper.

CONCLUSION

Accordingly, reconsideration and withdrawal of the election of species requirement are respectfully requested, and an early action on the merits is earnestly solicited.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Ronald R. Santucci
Reg. No. 28,988
(212) 588-0800